

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

BROADCAST MUSIC, INC.; CONDUCTIVE  
MUSIC; SPIRIT ONE MUSIC, a division of  
SPIRIT MUSIC GROUP INC.; EMBASSY  
MUSIC CORPORATION; SONY/ATV  
SONGS LLC; THE BERNARD EDWARDS  
COMPANY LLC; STONE DIAMOND  
MUSIC CORP.; and WARNER-  
TAMERLANE PUBLISHING CORP.,

Plaintiffs,

v.

3 LANZA LLC d/b/a RISTEGIO'S;  
RICHARD LANZA; JOSEPH LANZA;  
and STEVEN LANZA,

Defendants.

Case No. 19-cv-2637 (DRH) (AKT)

**DECLARATION OF VICTORIA DUTSCHMANN**

I, Victoria Dutschmann, declare as follows:

1. I am an Attorney in the Legal Department of Plaintiff Broadcast Music, Inc. ("BMI"). I am familiar with the facts and circumstances in this matter as well as BMI's structure and operation. This Declaration is submitted in support of Plaintiffs' Motion for Summary Judgment.

2. Through agreements with copyright owners such as music publishing companies and composers, BMI acquires non-exclusive public performance rights. BMI has acquired such rights from each of the other Plaintiffs in this action. BMI, in turn, grants to music users such as broadcasters and the owners and operators of concert halls, restaurants, nightclubs and hotels, the right to publicly perform any of the works in BMI's repertoire by means of "blanket license agreements."

3. BMI operates as a non-profit making music performing rights organization. It distributes all of its income, after deducting operating expenses and reasonable reserves, to its affiliated songwriters and music publishers, which include the other Plaintiffs in this action.

4. The complaint in this action alleges multiple claims of copyright infringement of certain musical compositions licensed by BMI, the copyrights of which are owned by the other Plaintiffs, arising out of unauthorized public performances of those musical works. Each of the musical compositions listed on line 2 of the Schedule of Plaintiffs' Complaint was registered with the Copyright Office on the date listed on line 5. A registration certificate bearing the number listed on line 6 was issued by the Copyright Office to the Plaintiff listed on line 4 or a predecessor in interest. Copies of the certificated and subsequent documentation relating to the chain of ownership of the musical compositions are attached hereto as **Exhibit A**. This documentation consists of copies of official Copyright Office records and copies of documentation made and kept in the ordinary course of Plaintiffs' business.

5. On or before the date listed on line 7 of the Schedule, BMI had been granted, by the other Plaintiffs, the right to publicly perform these compositions and to issue public performance license agreements to music users. These licenses permit music users to perform any of the 15 million musical compositions in the BMI repertoire. In addition, BMI has been granted by the other Plaintiffs the right to maintain actions for infringement of the public performance rights in their musical compositions and to seek damages for such infringement.

6. Attached hereto as **Exhibit B** is a true and correct copy of the New York State Liquor Authority License Information for 3 Lanza LLC d/b/a Ristegio's obtained from the New York State Liquor Authority Public Query System, located at <https://sla.ny.gov/public-license-query>, which was accessed and printed on October 4, 2018.

Pursuant 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 11, 2020

  
Victoria Dutschmann